



Paper No. 6

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DIRECTOR OFFICE
TECHNOLOGY CENTER 2100

Akin Gump Strauss Hauer & Feld, LLP
1900 Frost Bank Plaza
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Austin, Texas 78701

In re Application of: John Crescenti et al.)
Application No. 09/354,063) **DECISION ON REQUEST FOR**
Filed: July 15, 1999) **WITHDRAWAL AS ATTORNEY**
For: MODULAR BACKUP AND)
RETRIEVAL SYSTEM)

This is a decision on the Request To Withdraw from Representation filed September 24, 2001.

A grantable request to withdraw as attorney of record should indicate thereon the present mailing addresses of the attorney(s) who is/are withdrawing from the record and of the applicant. The request for withdrawal must be signed by every attorney seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a). The effective date of withdrawal being the date of decision and not the date of request. See M.P.E.P. § 402.06. 37 C.F.R. § 1.36 further requires that the applicant or patent owner be notified of the withdrawal of the attorney or agent.

The request is deficient in the following aspects: (1) each attorney for whom withdrawal is requested must be individually listed - a referral to a power of attorney must identify it unambiguously (for example, referring to the date of filing); (2) there is no statement that Gary W. Hamilton is signing on behalf of the other attorneys of record and is *authorized* to sign on behalf of the other attorneys. Furthermore, there is no indication that the client has been apprised of this request for withdrawal. Therefore, the request is **DENIED**.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant. Applicant is reminded of the obligation to promptly notify the Office of any change in correspondence address to ensure receipt of all communications from the Office.

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